



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 23, 2015

By ECF

Hon. Colleen McMahon
United States District Judge
Daniel P. Moynihan United States Courthouse
500 Pearl Street, Room 1640
New York, NY 10007

Re: *ACLU v. Department of Justice*, 15 Civ. 1954(CM)

Dear Judge McMahon:

We write respectfully on behalf of the defendant agencies (the “government”) in this action brought pursuant to the Freedom of Information Act to request leave (1) to file a corrected reply memorandum of law of 17 pages that complies with the requirements of this Court’s individual rules with regard to the font of footnotes, and (2) to refile the Declaration of Rear Admiral Andrew J. Lewis to correct an apparent technical problem in the document currently available on PACER (at Dkt. No. 41).

After filing the government’s memorandum of law yesterday, December 22, 2015, the undersigned counsel realized that the memorandum regrettably does not comply with the Court’s individual rules insofar as the footnotes are in 10- rather than 12-point font. The word processing program used to prepare the brief automatically uses 10-point font for footnotes, and the undersigned inadvertently failed to correct the font prior to filing. We therefore request leave to file a corrected brief, which corrects this issue and makes conforming changes to the page numbers on the tables of contents and authorities, but leaves the remainder of the brief unchanged. The corrected brief is 17 pages long. The Court previously had granted the government leave to file a 15-page reply brief, and thus we also respectfully request an additional 2-page enlargement of the page limit. I attempted to contact plaintiffs’ counsel today to obtain his position with regard to this request, but as of this writing have not yet received a response.

In addition, in preparing courtesy copies of the government’s motion papers in this matter, we learned that the Declaration of Rear Admiral Andrew J. Lewis that appears on PACER at Docket No. 41 is partially blank. We therefore seek leave to refile this declaration so that the full declaration is available on the public record.

We thank the Court for its consideration of this request.

Respectfully,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

PREET BHARARA
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